

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SMITH KLINE & FRENCH LABORATORIES
LIMITED and SMITHKLINE BEECHAM
CORPORATION d/b/a GLAXOSMITHKLINE,

Plaintiffs

vs.

TEVA PHARMACEUTICALS USA, INC.

Defendant.

Civil Action No. 05-197-GMS

**STIPULATED DISMISSAL OF CASE AND CLAIMS RELATED TO
UNITED STATES PATENT NO. 4,824,860**

IT IS HEREBY STIPULATED, by and among the undersigned attorneys for all parties herein, that pursuant to Fed. R. Civ. P. 41(a):

1. Defendant shall withdraw its paragraph IV certification with respect to U.S. Patent No. 4,824,860 (“the ‘860 patent”) in its Abbreviated New Drug Application (“ANDA”) No. 77-460 and convert its certification with respect to that patent to a paragraph III certification. Defendant agrees it shall not file any Paragraph IV certification with respect to the ‘860 patent.

2. Defendant withdraws its affirmative defense and counterclaim that the ‘860 patent is unenforceable for inequitable conduct as set forth in Teva’s Corrected First Amended Answer, Defenses and Counterclaims (“Amended Answer”) filed July 10, 2006 in the above-captioned action, and Defendant does not dispute that the ‘860 patent is valid, enforceable and infringed.

3. The parties agree to dismiss their claims with prejudice without right to appeal.

4. Each party shall bear its own fees and costs with respect to the above-captioned action and neither party shall seek to have the above-captioned case deemed “exceptional” pursuant to 35 U.S.C. § 285.

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SO ORDERED this ____ day of March, 2007.

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UNITED STATES DISTRICT COURT JUDGE